

## **2004 California Rules of Court**

### **Rule 980. Photographing, recording, and broadcasting in court**

**(a) [Introduction]** The judiciary is responsible for ensuring the fair and equal administration of justice. The judiciary adjudicates controversies, both civil and criminal, in accordance with established legal procedures in the calmness and solemnity of the courtroom. Photographing, recording, and broadcasting of courtroom proceedings may be permitted as circumscribed in this rule if executed in a manner that ensures that the fairness and dignity of the proceedings are not adversely affected. This rule does not create a presumption for or against granting permission to photograph, record, or broadcast court proceedings.

*(Subd (a) adopted effective January 1, 1997.)*

**(b) [Definitions]** For purposes of this rule,

(1) "Media coverage" means any photographing, recording, or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment;

(2) "Media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency;

(3) "Court" means the courtroom at issue, the courthouse, and its entrances and exits;

(4) "Judge" means the judicial officer or officers assigned to or presiding at the proceeding, except as provided in subdivision (e)(1) if no judge has been assigned.

*(Subd (b) amended and relettered effective January 1, 1997; adopted effective July 1, 1984, as subd (a).)*

**(c) [Photographing, recording, and broadcasting prohibited]** Except as provided in this rule, court proceedings shall not be photographed, recorded, or broadcast. This rule does not prohibit courts from photographing or videotaping sessions for judicial education or publications and is not intended to apply to closed-circuit television broadcasts solely within the courthouse or between court facilities if the broadcasts are controlled by the court and court personnel.

*(Subd (c) adopted effective January 1, 1997.)*

**(d) [Personal recording devices]** The judge may permit inconspicuous personal recording devices to be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device shall

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obtain permission from the judge in advance. The recordings shall not be used for any purpose other than as personal notes.

*(Subd (d) amended and relettered effective January 1, 1997; adopted effective July 1, 1984, as subd (c).)*

**(e) [Media coverage]** Media coverage shall be permitted only on written order of the judge as provided in this subdivision. The judge in his or her discretion may permit, refuse, limit, or terminate media coverage. This rule does not otherwise limit or restrict the right of the media to cover and report court proceedings.

(1) *(Request for order)* The media may request an order on a form approved by the Judicial Council. The form shall be filed at least five court days before the portion of the proceeding to be covered unless good cause is shown. A completed, proposed order on a form approved by the Judicial Council shall be filed with the request. The judge assigned to the proceeding shall rule upon the request. If no judge has been assigned, the request shall be submitted to the judge supervising the calendar department, and thereafter be ruled upon by the judge assigned to the proceeding. The clerk shall promptly notify the parties that a request has been filed.

(2) *(Hearing)* The judge may hold a hearing on the request or rule on the request without a hearing.

(3) *(Factors to be considered by the judge)* In ruling on the request, the judge shall consider the following factors:

- (i) Importance of maintaining public trust and confidence in the judicial system;
- (ii) Importance of promoting public access to the judicial system;
- (iii) Parties' support of or opposition to the request;
- (iv) Nature of the case;
- (v) Privacy rights of all participants in the proceeding, including witnesses, jurors, and victims;
- (vi) Effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding;
- (vii) Effect on the parties' ability to select a fair and unbiased jury;
- (viii) Effect on any ongoing law enforcement activity in the case;
- (ix) Effect on any unresolved identification issues;

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- (x) Effect on any subsequent proceedings in the case;
- (xi) Effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness;
- (xii) Effect on excluded witnesses who would have access to the televised testimony of prior witnesses;
- (xiii) Scope of the coverage and whether partial coverage might unfairly influence or distract the jury;
- (xiv) Difficulty of jury selection if a mistrial is declared;
- (xv) Security and dignity of the court;
- (xvi) Undue administrative or financial burden to the court or participants;
- (xvii) Interference with neighboring courtrooms;
- (xviii) Maintaining orderly conduct of the proceeding;
- (xix) Any other factor the judge deems relevant.

(4) (*Order permitting media coverage*) The judge ruling on the request to permit media coverage is not required to make findings or a statement of decision. The order may incorporate any local rule or order of the presiding or supervising judge regulating media activity outside of the courtroom. The judge may condition the order permitting media coverage on the media agency's agreement to pay any increased court-incurred costs resulting from the permitted media coverage (for example, for additional court security or utility service). Each media agency shall be responsible for ensuring that all its media personnel who cover the court proceeding know and follow the provisions of the court order and this rule.

(5) (*Modified order*) The order permitting media coverage may be modified or terminated on the judge's own motion or upon application to the judge without the necessity of a prior hearing or written findings. Notice of the application and any modification or termination ordered pursuant to the application shall be given to the parties and each media agency permitted by the previous order to cover the proceeding.

(6) (*Prohibited coverage*) The judge shall not permit media coverage of the following:

- (i) Proceedings held in chambers;
- (ii) Proceedings closed to the public;
- (iii) Jury selection;

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(iv) Jurors or spectators; and

(v) Conferences between an attorney and a client, witness, or aide, between attorneys, or between counsel and the judge at the bench.

(7) *(Equipment and personnel)* The judge may require media agencies to demonstrate that proposed personnel and equipment comply with this rule. The judge may specify the placement of media personnel and equipment to permit reasonable media coverage without disruption of the proceedings.

Unless the judge in his or her discretion orders otherwise, the following rules shall apply:

(i) One television camera and one still photographer shall be permitted.

(ii) The equipment used shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible.

(iii) An order permitting or requiring modification of existing sound or lighting systems is deemed to require that the modifications be installed, maintained, and removed without public expense or disruption of proceedings. Microphones and wiring shall be unobtrusively located in places approved by the judge and shall be operated by one person.

(iv) Operators shall not move equipment or enter or leave the courtroom while the court is in session, or otherwise cause a distraction.

(v) Equipment or clothing shall not bear the insignia or marking of a media agency.

(8) *(Media pooling)* If two or more media agencies of the same type request media coverage of a proceeding, they shall file a statement of agreed arrangements. If they are unable to agree, the judge may deny media coverage by that type of media agency.

*(Subd (e) amended and relettered effective January 1, 1997; adopted effective July 1, 1984, as subd (b).)*

**(f) [Sanctions]** Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

*(Subd (f) amended and relettered effective January 1, 1997; adopted effective July 1, 1984, as subd (e).)*

*Rule 980 amended effective January 1, 1997; adopted effective July 1, 1984.*

**Former Rule**

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Former rule 980, similar to the present rule, was adopted effective January 1, 1966, amended effective January 1, 1977, and January 1, 1983, and repealed effective July 1, 1984.

**Drafter's Notes**

**1984**-The Judicial Council made permanent its previously experimental rule permitting radio, television, and photographic coverage of court proceedings. The action replaces rules 980, 980.1, 980.2, and 980.3 with a new rule 980 permitting courtroom photography and recording subject to the consent of the judge and any restrictions the court may impose to protect the rights of the litigants, preserve the dignity of the court, and prevent disruption of the proceedings. Certain restrictions on coverage are made to protect confidential communications and jurors.

A request for coverage must be made a reasonable time before the proceeding. The request must be on a new Judicial Council form which also contains a proposed order. Copies of the form will be available from court clerks.

**1996**-This rule has been amended, *effective January 1, 1997*, to prohibit camera coverage of jury selection, jurors, or spectators in the courtroom. In other areas, including all pretrial hearings in criminal cases, judicial discretion is retained.